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The Chittagong Hill Tracts Frontier Police Regulation, 1881

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REGULATION No. III OF 1881.

The Chittagong Hill Tracts Frontier Police Regulation, 1881.

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Preamble.

WHEREAS the Frontier Police of the Hill Tracts of Chittagong enrolled under Act No. V of 1861 (*for the regulation of Police*) perform services of a quasi-military character; and whereas the provisions of the said Act, and the orders and rules framed under section twelve thereof, have been found insufficient for the maintenance of discipline among such Police, and it is therefore expedient to make further provision for the maintenance of discipline among them; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called "The Chittagong Hill Tracts Frontier Police Regulation, 1881":

Local extent.

It applies to all persons now or hereafter appointed under the said Act No. V of 1861 to be Frontier Police-officers and posted to the Hill Tracts of Chittagong;

Commencement.

and it shall come into force at once.

Interpretation clause.

2. In this Regulation, unless there is something repugnant in the subject or context,—

"active service;"

"active service" means service at the frontier out-posts, or against hostile tribes or other persons in the field;

"Deputy Commissioner" and "District Superintendent";

"Deputy Commissioner" and "District Superintendent" mean the Deputy Commissioner of the Hill Tracts of Chittagong and the District Superintendent of Police within the same tracts, respectively; and

"reason to believe," "criminal force," "assault" and "fraudulently."

the expressions "reason to believe," "criminal force," "assault" and "fraudulently" have the meanings

[*Price two annas.*]

meanings assigned to them respectively in the Indian Penal Code.

More heinous offences.

3. Any person subject to this Regulation, not being above the rank of subahdár, who—

(*a*) begins, excites, causes or joins in any mutiny or sedition, or, being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same, or, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, does not without delay give information thereof to his commanding or other superior officer; or

(*b*) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, whether on or off duty, under any circumstances in which the superior officer is distinguishable as such in any manner; or

(*c*) shamefully abandons or delivers up any garrison, fortress, post or guard committed to his charge, or which it is his duty to defend; or

(*d*) directly or indirectly holds correspondence with, or assist or relieves, any persons in arms against the State, or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge; and

any such person who, while on active service,—

(*e*) disobeys the lawful command of his superior officer; or

(*f*) deserts the service; or

(*g*) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(*h*) without authority, leaves his commanding officer, or his post or party, to go in search of plunder; or

(*i*) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or

(*j*) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries

saries to camp or quarters, or forces a safeguard, or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any field, garden or other property of any kind; or

(*k*) intentionally causes or spreads a false alarm in action, camp, garrison or quarters,

shall be punished with transportation for life or for a term of not less than seven years, or with imprisonment, with or without hard labour, for a term which may extend to fourteen years.

Less heinous offences.

4. Any person subject to this Regulation, not being above the rank of subahdár, who—

(*a*) is in a state of intoxication when on or for any duty, or on parade or on the line of march; or

(*b*) strikes or attempts to force any sentry; or

(*c*) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape; or

(*d*) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

(*e*) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making of any field-work or other military work of any description ordered to be made either in quarters or in the field; or

(*g*) strikes or otherwise ill-uses any person subject to this Regulation being his subordinate in rank or position; or

(*h*) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails to have due reparation made to the injured person, or toreport the case to the proper authority; or

(*i*) designedly

(*i*) designedly or through neglect injures or loses, or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements or regimental necessaries, or any such articles entrusted to him or belonging to any other person ; or

(*j*) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity ; or

(*k*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person ; and

any such person who, while not on active service,—

(*l*) disobeys the lawful orders of his superior officer ; or

(*m*) plunders, destroys or damages any field, garden or other property ; or,

(*n*) being a sentry, sleeps upon his post, or quits it without being regularly relieved, or without leave,

shall be punished with imprisonment, with or without hard labour, which may extend to one year.

Corporal punishment.

5. Any person subject to this Regulation, not being above the rank of havildár, who while on active service, commits any of the offences specified in section three, or in section four, clauses (*a*) to (*k*), both inclusive, may, in lieu of or in addition to any punishment to which he is liable under those sections, be punished with whipping.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed fifty lashes, or, if the ratan be employed, shall the punishment exceed thirty stripes.

Minor punishment.

6. In addition to the powers conferred upon them by the rules made under section twelve of the said Act No. V of 1861, the Deputy Commissioner, the District Superintendent, or an Assistant District Superintendent of Police in command of a detachment, may, without a formal trial, award to any person subject

subject to his authority and to whom this Act applies the following punishments for the commission of petty offences against discipline which are not otherwise provided for or which are not of a sufficiently serious nature to call for a prosecution before a criminal Court (that is to say) :—

(*a*) imprisonment to the extent of seven days in the quarter-guard, or such other place in or near the lines as may be considered suitable, with forfeiture of all pay and allowances during its continuance;

(*b*) punishment drill, extra guard, fatigue or other duty, not exceeding thirty days in duration, with or without confinement to lines.

Any of these punishments may be awarded separately or in combination with the others.

Where person sentenced to imprisonment to be confined.

7. Any persons sentenced under this Regulation to imprisonment for a period not exceeding three months shall, when also dismissed the service, be imprisoned in the nearest jail; but, when not also dismissed the service, he may, at the discretion of the convicting officer, subject to revision by the Deputy Commissioner, be confined in the quarter-guard or such other place as such officer may consider suitable.

Prosecutions, &c, under other enactments.

8. Nothing in this Regulation shall prevent any person from being prosecuted under the said Act No. V of 1861 or any order or rule framed thereunder, or under any other enactment for the time being in force, for any act or omission punishable hereunder, or from being liable under any other enactment to any other or higher penalty than is provided for such act or omission by this Regulation:

Provided that no person shall be punished twice for the same offence.

Magisterial powers of Police-officers.

9. Nothing contained in the said Act No. V of 1861 shall be deemed to prevent the Local Government from investing any Police-officer with the powers of a Magistrate for the purpose of inquiring into or trying any offence committed by a Police-officer and punishable under the said Act or this Regulation.

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